

Attachment 3.9-2

San Joaquin County Community Development Department

Grading and Excavating Regulations

**DIVISION 14: GRADING AND EXCAVATION
PROVISIONS**

CHAPTER 9-1400

**GRADING AND EXCAVATION PROVISIONS:
INTENT AND ORGANIZATION**

Sections:

9-1400.1	Title and Intent.
9-1400.2	Organization.

9-1400.1 TITLE AND INTENT.

Division 14 constitutes the Grading and Excavation Provisions. The intent of this Division is to provide standards for grading and excavations on private property for agricultural leveling, quarry mining, and grading related to development within the unincorporated area of San Joaquin County.
(Ord. 3675)

9-1400.2 ORGANIZATION.

Division 14 consists of the following Chapters:

- (a) 9-1400 Grading and Excavation Provisions:
Intent and Organization;
(b) 9-1405 Grading and Excavation Requirements;
(c) 9-1410 Agricultural Excavation Standards;
(d) 9-1415 Quarry Excavation Standards.
(Ord. 3675)

CHAPTER 9-1405

**GRADING AND EXCAVATION
REQUIREMENTS**

Sections:

9-1405.1	Intent.
9-1405.2	Grading or Excavation Permit Required.
9-1405.3	Exemptions.
9-1405.4	General Requirements.
9-1405.5	Removal from Site.
9-1405.6	Water Obstruction.
9-1405.7	Levee Work.
9-1405.8	Administration.

9-1405.1 INTENT.

The intent of this Chapter is to regulate grading and excavations related to development projects.
(Ord. 3675)

**9-1405.2 GRADING OR EXCAVATION
PERMIT REQUIRED.**

Except for the specific exemptions listed hereinafter, no person shall do, or permit to be done, any grading or excavation without a valid grading permit obtained from the Building Inspection Division.
(Ord. 3675, 3715)

9-1405.3 EXEMPTIONS.

The following grading may be done without obtaining a grading permit as required by this Title. Exemption from the requirement of a grading permit shall not be deemed to be permission to violate any provision of this Title.

- (a) Minor projects which have cuts or fills, and which meet all of the following:
- (1) Involve the removal, plowing under, or burial of less than ten thousand (10,000) square feet of vegetation on slopes eight percent (8%) or greater, or any amount of vegetation on slopes less than eight percent (8%);
 - (2) Do not create unstable or erodible slopes;
 - (3) Do not encroach onto sewage disposal systems or areas;
 - (4) The cut is either
 - (A) Less than two (2) feet in depth, or
 - (B) The cut does not create a slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) horizontal to one (1) vertical;
 - (5) The fill is either

(A) Less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical, or

(B) Less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one (1) lot and does not obstruct a drainage course.

(b) Excavations in connection with a swimming pool or structural foundation authorized by a valid building permit.

(c) Trenching and grading incidental to the construction or installation of permitted underground pipe lines, underground storage tanks, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for permitted wells or post holes.

(d) Excavations less than one hundred fifty (150) cubic yards for soil or geological investigations by a Geotechnical Engineer or Engineering Geologist.

(e) Grading in accordance with the plan incorporated in an approved Quarry Excavation Permit per Section 9-854, Quarry Excavation Permits, an approved Agricultural Excavation Permit per Section 9-851, or an approved Use Permit for a sanitary landfill per Section 9-821, Use Permits.

(f) Excavations for drainage or sedimentation ponds that are included as portions of other ministerial or discretionary development projects under the provisions of this Title.

(g) Grading or excavations within County rights-of-way or easements for which an encroachment permit has been issued under provisions of Section 9-1145.2.

(h) Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.

(i) Routine cemetery excavations and fills.

(j) Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing said work.

(k) Other exceptions as provided in appendix Chapter 70 of the Uniform Building Code.
(Ord. 3675; 3715; Ord. 3832 § 42, 1995)

9-1405.4 GENERAL REQUIREMENTS.

Except as modified by this Chapter, Chapter 70 of the Uniform Building Code as adopted by reference by the Board shall govern grading and excavation operations.
(Ord. 3715)

9-1405.5 REMOVAL FROM SITE.

Except as specifically provided for by one of the following, no person shall do, or permit to be done, any grading in such a manner that any quantities of dirt, soil, rock, gravel, or sand is removed from the site.

(a) Removal when done with an approved surface mining Quarry Excavation Permit per Section 9-854, Quarry Excavation Permits.

(b) Removal when done with an approved Agricultural Excavation Permit per Section 9-851, Agricultural Permits.

(c) Removal when done with an approved Use Permit for a sanitary landfill per Section 9-821, Use Permits.

(d) Removal of material related to situations listed under Section 9-1405.3, Exemptions.

(e) Removal from a development project of incidental excess material during site grading that is done with an approved grading or building permit.

(f) Removal, by governmental agency, of material donated to the governmental agency for use in governmental projects; material must have been previously stockpiled for a minimum period of eighteen (18) months. Removal shall be subject to Site Approval.

(g) Grading done by or under the supervision or construction control of a public agency of an excavation within that agency's boundaries. The agency shall assume full responsibility for ensuring that the work is done in compliance with this Title, the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII (Fugitive Dust Prohibitions), and the Surface Mining and Reclamation Act. Excess soil material must be used solely for projects owned or controlled by the public agency and which are within the agency's boundary and within San Joaquin County.

(Ord. 3675; 3715; Ord. 3872 § 2, 1996)

9-1405.6 WATER OBSTRUCTION.

No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels, or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition, or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to these permit requirements.

(Ord. 3675)

9-1405.7 LEVEE WORK.

No person shall excavate or remove any material from or otherwise alter any levee required for any waterway, water body, or local drainage control without prior approval of the agency responsible for the maintenance of the levee.
(Ord. 3675)

9-1405.8 ADMINISTRATION.

This Chapter shall be administered by the Director. In subdivisions, the grading plans shall be approved by the Department of Public Works. The rough and finish grading of the lots will be inspected by the Department of Public Works. For development projects that require a discretionary permit, the grading permit will not be issued until the discretionary permit is approved.
(Ord. 3675; 3715; Ord. 3843 § 20, 1995)

CHAPTER 9-1410**AGRICULTURAL EXCAVATION STANDARDS****Sections:**

9-1410.1	Intent.
9-1410.2	Applicability.
9-1410.3	Development Standards.

9-1410.1 INTENT.

The intent of this Chapter is to provide standards for removing excess material from agricultural property for agricultural purposes.
(Ord. 3675)

9-1410.2 APPLICABILITY.

The provisions of this Chapter shall apply only if the amount of material being removed is limited to that which is required to increase the agricultural viability of the property.
(Ord. 3715)

9-1410.3 DEVELOPMENT STANDARDS.

The following development standards shall apply to any agricultural excavation permit approved under the provisions of this Title:

(a) **Private Roads.** All private roads involved in an excavation shall be maintained so as to control the creation of dust;

(b) **Final Grade.** The final grade shall:

- (1) Not result in disruption of the flow of drainage water from the property or adjoining properties;
- (2) Not adversely affect the irrigability of the property or surrounding properties. If the property is within an irrigation district, the final grade shall be limited to that elevation, certified by the district, which is necessary to provide gravity irrigation to the property;
- (3) Not adversely affect the relation of the water table to the surface of the land;
- (4) Have an average elevation no less than the average elevation of the natural grade of the surrounding land. The average elevation of the natural or existing grade shall be the average elevation of all land one hundred (100) feet from the perimeter of the proposed excavation, excluding any portion of the perimeter adjacent to a river, riverbank, levee, public road, railroad, canal, pipeline, or other similar uses or rights-of-way;

(c) **Waterways.** A berm or other improvements may be required adjacent to any waterway, including underground facilities, which adjoins the excavation. The heights, setback, and slope of the berm shall be based on recommendation of the agency responsible for the maintenance.